

FILED 01 MAR '13 11:28 USC ORP

In The United States Federal District Court  
For Portland, Oregon

THE UNITED STATES OF AMERICA	)	COURT NO. 11-CR-385-HZ	
PLAINTIFF	)	Modify Protective Order	Motion
V.	)	Petition To Dismiss	
Rashad Sanders	)	Withdrawal counsel	
DEFENDANT	)	withdrawal plea	

JURISDICTION 2241

1. Defendant Rashad Sanders hereby petitions to dismiss court # 11-CR-385-HZ
2. based upon these facts of fraud:
3. Fraud: to deceit, deception, artifice, or trickery operating prejudicially on the rights
4. of another, or surrender some legal right. To deceive another to his prejudice and
5. accomplishing the purpose whether it be an act, a word, silence, suppression of
6. the truth or other device contrary to the plain rules of common honesty.
7. Fraudulent Representation: Where as proceeding for, or characterized by fraud, and
8. the purpose of which is to deceive, or made recklessly and in any event, for the
9. purpose of inducing action upon it. Clark v. Haggard 141 Conn 668, 109 A.2d 358, 54 ALR
10. 2d 655. Also Extrinsic Fraud: actual fraud characterized by an evil intent to take
11. undue advantage of another person for the purpose of actually and knowingly
12. defrauding him. Flood v. Templeton 152 Cal 148, 92 P 78 and Fraudulent Concealment
13. Fraud In The Inducement: fraud exercised in inducing the signing of an instrument.
14. Gomillion v. Forsythe 218 Sc 211, 62 SE 2d 297, 53 ALR 2d 169
15. Also Extrinsic Fraud: the character of fraud which will afford a ground for setting
16. aside a judgement, that is, fraud which is collateral to the issues tried in the
17. case wherein the judgement was rendered." 30 AM J REV 2d Judgm § 657

18. Extrinsic Fraud: for purposes of a ground of equitable relief against a judgement  
 19. fraud which has prevented a party from having a fair trial, from presenting  
 20. all his case to the court, or has so affected the manner in which the judge  
 21. ment was taken that there has not been fair submission of the controversy  
 22. to the court. Farley v. Davis 10 Wash 2d 62, 116 P.2d 263, 155 ALR 1302  
 23. Deliberate Misrepresentation: fact that deprives someone of a valuable possess  
 24. ions. Whenever someone takes unconscionable advantage of another person, the  
 25. action may be treated as criminal fraud or the civil action of deceit.  
 26. Rochin v. California, 342 U.S. 165, 72 S.Ct. 205, 96 L.Ed 183 (1952)

27. A hearing took place 11-21-2011 concerning a protective order on my discovery.  
 28. I was not aware of this hearing. Counsel at the time Susan Russell did not men  
 29. tion this to me. I've asked for discovery on many occasions only to be told  
 30. evasive answers why I couldn't have it, but was never told about a protective  
 31. order. Same issue with second attorney Mark Cross, and current attorney Ben  
 32. Anderson. Mr. Anderson finally told me about the protective order around a week  
 33. or so before the 21<sup>st</sup> of February 2013 after I had already signed a plea deal.  
 34. I also don't believe Susan Russell denied the request for the discovery to be  
 35. restricted or did the other attorney's which is the norm. There is no good cause  
 36. shown in this case why there should be a protective order. As stated in protective  
 37. order itself indicates that "counsel for defendant and defendant agree that they  
 38. will not copy, display, or distribute any of the discovery provided to them by the  
 39. government in this case." I never agreed to that or knew anything about it.  
 40. I signed an unconscionable (deal) contract that is unjust and extremely one-  
 41. sided in favor of the person who has the superior bargaining power, 14 months  
 42. later still not having discovery. This is also a violation of my 5<sup>th</sup> Amendment  
 43. due-process right and 6<sup>th</sup> Amendment confront adverse witness right.

44. United States v. Chapman 524 F.3d 1073,1080 (9<sup>th</sup> Cir. 2008).
45. Discussing the discovery violations of the government in upholding a
46. dismissal of the indictment.

Rashad Sanders

2-26-2013